

32B-16-101. Title.

This chapter is known as the "Minor Liability Act."

Enacted by Chapter 276, 2010 General Session

32B-16-102. Definitions.

As used in this chapter:

(1) "Applicable fine" means the sum of the following imposed or assessed under this title by the commission for a violation related to a minor:

- (a) a fine; and
- (b) administrative costs of a disciplinary proceeding.

(2) "Violation related to a minor" means a violation under this title:

(a) that is, in whole or in part, based on a retail licensee, or staff of the retail licensee:

- (i) selling, offering for sale, or furnishing an alcoholic product to a minor;
- (ii) purchasing or otherwise obtaining an alcoholic product for a minor;
- (iii) permitting a minor to consume an alcoholic product;
- (iv) permitting a minor to gain admittance to an area into which a minor is not permitted under this title; or

(v) offering or providing employment to a minor that under this title may not be obtained by a minor; and

(b) if as part of the violation the minor uses proof of age in violation of Chapter 1, Part 4, Proof of Age Act.

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32B-16-201. Liability related to applicable fine.

(1) A minor is liable to a retail licensee in an amount described in Subsection (2) if:

(a) the commission imposes an applicable fine against the retail licensee on the basis of a violation related to a minor; and

(b) the minor, as part of the minor's involvement in the violation described in Subsection (1)(a), uses proof of age in violation of Chapter 1, Part 4, Proof of Age Act.

(2) If the conditions of Subsection (1) are met, a minor is liable to a retail licensee for an amount equal to the sum of:

(a) one-half of the amount of the applicable fine imposed against the retail licensee; and

(b) the costs and attorney fees incurred by the retail licensee under Section 32B-16-301 to collect the amount owed under this section.

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32B-16-301. Bringing an action.

(1) Subject to the other provisions of this section, a retail licensee to whom a minor is liable under Section 32B-16-201 may bring an action in a court of competent jurisdiction to collect the amount described in Section 32B-16-201.

- (2) The action allowed under this section may be brought against:
 - (a) the minor; or
 - (b) if the minor is less than 18 years of age, a parent or guardian of the minor.
- (3) An action under this chapter may not be commenced more than two years after the day on which the applicable fine is imposed by the commission.
- (4) Nothing in this chapter precludes a cause of action or additional recovery against a minor under law other than this chapter.
- (5) Notwithstanding the other provisions of this part:
 - (a) the state or an agency of the state is not liable under this part when a state agency has legal or protective custody of, or has guardianship of a minor at the time:
 - (i) the minor engages in conduct with regard to a violation related to a minor; or
 - (ii) an applicable fine is imposed on the retail licensee by the commission; and
 - (b) a retail licensee may not bring an action against the state or an agency of the state under the circumstances described in Subsection (5)(a).

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32B-16-302. Action for contribution.

- (1) (a) Subject to Subsections (2) and (3), a minor liable under Section 32B-16-201 against whom an award is made under this chapter, may bring a separate cause of action for contribution against a person causing the liability under Section 32B-16-201.
- (b) The maximum amount for which a person described in Subsection (1)(a) may be liable to a minor seeking contribution is that percentage or proportion of the amount described in Section 32B-16-201 equivalent to the percentage or proportion of fault attributed to that person causing the liability under Section 32B-16-201.
- (2) An action for contribution under this section may not be brought against:
 - (a) the retail licensee to whom the minor is liable; or
 - (b) staff of the retail licensee.
- (3) An action for contribution under this section may not diminish the amount collected by a retail licensee under this chapter.

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